

1980

# c 121 District Municipality of Muskoka Act

Ontario

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## CHAPTER 121

## District Municipality of Muskoka Act

## INTERPRETATION

## 1. In this Act,

Interpre-  
tation

- (a) “area municipality” means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the District Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “District Area” means the area from time to time included within the area municipalities;
- (g) “District Corporation” means The District Municipality of Muskoka;
- (h) “District Council” means the council of the District Corporation;
- (i) “district road” means a road forming part of the district road system established under Part V;
- (j) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (*k*) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (*l*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (*m*) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (*n*) "Minister" means the Minister of Intergovernmental Affairs;
- (*o*) "Ministry" means the Ministry of Intergovernmental Affairs;
- (*p*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 83;
- (*q*) "Municipal Board" means the Ontario Municipal Board. R.S.O. 1970, c. 131, s. 1; 1972, c. 3, s. 17.

## PART I

### AREA MUNICIPALITIES

Constitution  
of area  
municipalities

#### 2.—(1) On the 1st day of January, 1971,

- (*a*) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The Corporation of the Township of Draper are amalgamated as a town municipality bearing the name of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North  $15^{\circ} 41'$  West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South  $74^{\circ} 19'$  West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of said Heydon Island;

THENCE North  $15^{\circ} 41'$  West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

(b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;

(c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North  $15^{\circ} 41'$  West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South  $74^{\circ} 19'$  West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of said Heydon Island;

THENCE North  $15^{\circ} 41'$  West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;



THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

*NOTE: All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

Amalgama-  
tions and  
annexations  
deemed by  
Municipal  
Board  
orders

R.S.O. 1980,  
cc. 347, 302

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 26th day of June, 1970, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. R.S.O. 1970, c. 131, s. 2.

Wards of  
area muni-  
cipalities:  
Bracebridge

**3.—**(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward—which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward—which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward—which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward—which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North  $15^{\circ} 41'$  West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South  $74^{\circ} 19'$  West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of said Heydon Island;

THENCE North  $15^{\circ} 41'$  West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward – which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

(2) The area municipality of the Township of Georgian Bay is divided into the following wards: <sup>Georgian Bay</sup>

1. Baxter Ward—which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.
2. Freeman Ward—which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward—which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is <sup>Gravenhurst</sup> divided into the following wards:

1. Gravenhurst Ward—which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward—which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward—which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

*Part of Township of Muskoka*

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North 15° 41' West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North 74° 19' East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South 74° 19' West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North 74° 19' East from the most southerly point of said Heydon Island;

THENCE North 15° 41' West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

*Part of Township of Wood*

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is <sup>Huntsville</sup> divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.



5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

**Lake of Bays**

(5) The area municipality of the Township of Lake of Bays is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970, and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

(6) The area municipality of the Township of Muskoka <sup>Muskoka</sup> Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.
3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward — which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward — which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward — which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

*NOTE: All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

(7) The council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

Ward representation on area councils

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member



## 4. The Town of Huntsville:

Brunel Ward.....	One member
Chaffey Ward.....	Two members
Hunstville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

## 5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

## 6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member
Medora and Wood Ward.....	One member
Monck North Ward.....	One member
Port Carling Ward.....	One member
Medora North Ward.....	One member
Watt Ward.....	One member
Windermere Ward.....	One member
Wood South Ward.....	One member

R.S.O. 1970, c. 131, s. 3 (1-7).

## PART II

## INCORPORATION AND COUNCIL OF DISTRICT AREA

District  
Corporation  
continued

4.—(1) The inhabitants of the District Area are continued a body corporate under the name of The District Municipality of Muskoka.

Deemed  
municipality  
under  
R.S.O. 1980,  
cc. 303, 347

(2) The District Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*.

Provisional  
judicial  
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry  
and land  
titles  
divisions  
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. R.S.O. 1970, c. 131, s. 5; 1972, c. 1, s. 104 (6).

5.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area. District Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the District Council shall be exercised by-law. Powers exercised by by-law

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable  
R.S.O. 1970, c. 131, s. 6.

6.—(1) The District Council shall consist of twenty-three members composed of a chairman and, Composition of District Council

(a) the mayor of each area municipality;

(b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,

(i) one member elected to such council for Bracebridge Ward,

(ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,

(iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;

(c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,

(i) one member elected to such council for Baxter Ward,

(ii) one member elected to such council for either Freeman Ward or Gibson Ward;

(d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,

(i) one member elected to such council for Gravenhurst Ward,

(ii) one member elected to such council for Muskoka South Ward,

- (iii) one member elected to such council for either Morrison Ward or Ryde Ward;
- (e) three members elected by the council of the area municipality of the Town of Huntsville as follows,
  - (i) one member elected to such council for Huntsville Ward,
  - (ii) one member elected to such council for Chaffey Ward,
  - (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;
- (f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,
  - (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
  - (ii) one member elected to such council for either Ridout Ward or McLean Ward;
- (g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,
  - (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
  - (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
  - (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South. R.S.O. 1970, c. 131, s. 7 (1).

Election of  
members to  
District  
Council

(2) The council of each area municipality shall at its first meeting after a regular election elect its members to the District Council. 1978, c. 34, s. 2.

Election of  
chairman

7.—(1) At the first meeting of the District Council after a regular election at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person,

to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 34, s. 3 (1).

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. R.S.O. 1970, c. 131, s. 8 (3).

Where  
chairman  
member of  
area council

(3) If, at the first meeting of the District Council after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 34, s. 3 (2).

Failure  
to elect  
chairman

(4) When the chairman is absent or refuses to act, or his office is vacant, the District Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Acting  
chairman

(5) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 119, s. 1.

Idem

8.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First  
meeting  
of area  
councils

(2) The first meeting of the District Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the District Council. 1978, c. 34, s. 4.

First  
meeting of  
District  
Council

(3) A person entitled to be a member of the District Council in accordance with section 6, other than the mayor of each municipi-

Certificate  
of qualifi-  
cation

pality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section. R.S.O. 1970, c. 131, s. 9 (4).

Oath of  
allegiance,  
declaration  
of qualifi-  
cation

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration  
of office

(5) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

R.S.O. 1980,  
c. 302

When  
council  
deemed  
organized

(6) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 9. R.S.O. 1970, c. 131, s. 9 (6-8).

Quorum  
voting

**9.**—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection (3), each member of the District Council has one vote only.

Chairman  
vote

(3) The chairman does not have a vote except in the event of an equality of votes. R.S.O. 1970, c. 131, s. 10.

Vacancies,  
chairman

**10.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) Except as provided in subsection (1), when a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the District Council fails to elect a chairman within twenty days as required by subsection (2), the Minister may

appoint a person as chairman to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 131, s. 11 (1-3).

(4) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within sixty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 131, s. 11 (4); 1976, c. 55, s. 1.

(5) Section 39 of the *Municipal Act*, except clauses (d) and (f), applies to the District Council.

When seat  
to become  
vacant  
R.S.O. 1980,  
c. 302

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. R.S.O. 1970, c. 131, s. 11 (5, 6).

Where head  
of council  
inca-  
pacitated

11. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. R.S.O. 1970, c. 131, s. 13.

Committees

12. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings. R.S.O. 1970, c. 131, s. 14.

Procedural  
by-laws

13.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Head of  
Council

(2) The District Council may by by-law appoint a chief administrative officer, who,

Chief  
adminis-  
trative  
officer

(a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the District Council; and

(d) shall receive such salary as the District Council by by-law determines.

Application  
of  
R.S.O. 1980,  
c. 302

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2). R.S.O. 1970, c. 131, s. 15.

Acting  
chairman

**14.** When the chairman is absent from the District Area or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. R.S.O. 1970, c. 131, s. 17.

Application  
of  
R.S.O. 1980,  
c. 302

**15.**—(1) Sections 57, 58, 60, 62, 63, 129, 137, 138, 139, 140, 141 and 247 of the *Municipal Act* apply with necessary modifications to the District Corporation.

Idem

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the District Council and to every local board of the District Corporation. R.S.O. 1970, c. 131, s. 17.

Idem

(3) Sections 238, 239, 240, to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the District Council. 1980, c. 29, s. 1.

Appointment  
of clerk

**16.**—(1) The District Council shall appoint a clerk, whose duty it is,

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and

(d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. Acting clerk  
R.S.O. 1970, c. 131, s. 18 (1-3).

**17.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix. Minutes open to inspection

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land. Index of by-laws affecting land

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. R.S.O. 1970, c. 131, s. 19. Copies certified by clerk to be receivable in evidence

**18.**—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council. Appointment of treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. R.S.O. 1970, c. 131, s. 20. Acting treasurer



Receipt and  
disburse-  
ment of  
money

**19.**—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of  
cheques

(2) Notwithstanding subsection (1), the District Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash  
fund

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. R.S.O. 1970, c. 131, s. 21 (1-3).

When  
member may  
be paid

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*. R.S.O. 1970, c. 131, s. 21 (4); 1973, c. 146, s. 1.

R.S.O. 1980,  
c. 305

Treasurer's  
liability  
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. R.S.O. 1970, c. 131, s. 21 (5).

Bank  
accounts

**20.** Subject to subsection 19 (3), the treasurer shall,

(a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;

- (b) deposit all money received by him on account of the District Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 19 (1), the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. R.S.O. 1970, c. 131, s. 22.

**21.—**(1) The Treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation. <sup>Monthly statement</sup>

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties. R.S.O. 1970, c. 131, s. 23. <sup>Notice to sureties</sup>

**22.—**(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation. 1977, c. 35, s. 1. <sup>Appointment of auditors</sup>

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. R.S.O. 1970, c. 131, s. 24 (2); 1972, c. 1, s. 1. <sup>Cost of audit</sup>

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them <sup>Disqualification of auditors</sup>

other than for services within his professional capacity. R.S.O. 1970, c. 131, s. 24 (3); 1976, c. 55, s. 2.

**Duties of  
auditors**

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Ministry. R.S.O. 1970, c. 131, s. 24 (4); 1972, c. 1, s. 1.

**Audit of  
accounts  
before  
payment**

(5) The District Council may provide that all accounts shall be audited before payment. R.S.O. 1970, c. 131, s. 24 (5).

**Application  
of  
R.S.O. 1980,  
c. 302**

**23.**—(1) Sections 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 109 and 117 and paragraphs 45, 46, 47, 48, 49 of section 208 of the *Municipal Act* apply with necessary modifications to the District Corporation.

**Pensions**

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 26th day of June, 1970 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

**Idem**

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

**Sick leave  
credits**

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board

thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. <sup>Holidays</sup>

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act. <sup>Offer of employment</sup>  
R.S.O. 1970, c. 131, s. 25 (1-6).

(7) The District Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*. <sup>Application of R.S.O. 1980, c. 348</sup>

(8) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection (6), shall be offered employment by the council of the area municipality to which they are amalgamated or to which they are annexed. <sup>Offer of employment</sup>

(9) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection (8) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. <sup>Sick leave credits</sup>

(10) Any person who accepts employment under subsection (8) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. <sup>Holidays</sup>

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause. <sup>Termination of employment</sup>  
R.S.O. 1970, c. 131, s. 25.

## PART III

## DISTRICT WATERWORKS SYSTEM

Supply and  
distribution  
of water by  
District  
Corporation

24.—(1) On and after the 1st day of January, 1975, the District Corporation shall have the sole responsibility for the supply and distribution of water in the District Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the District Corporation, except the power to establish a public utilities commission.

Method of  
financing

(2) The District Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation  
of special  
assessment  
rolls and  
collection of  
special  
assessments

(3) If the District Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

District  
Corporation  
may require  
area municip-  
ality to  
collect  
moneys  
R.S.O. 1980,  
cc. 250, 302

(4) Where the District Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of  
O.M.B. to  
undertaking,  
etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Powers of  
O.M.B.

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Area municipal-  
ities,  
no power to  
supply and  
distribute  
water

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the District Area or for any area municipality is vested in the District Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of  
property in  
District  
Corporation

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection (8), but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work.

Payments of  
principal and  
interest to  
area municipal-  
ities

R.S.O. 1980,  
c. 250

(10) If the District Corporation fails to make any payment as required by subsection (9), the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to  
be charged  
by area  
municipality

- Agreements** (11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting such supply and distribution of water, the District Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.
- Idem** (12) The District Corporation may enter into agreements with any person or municipality, with respect to the matters provided for in this Part.
- Idem** (13) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.
- Entry by clerk on collector's roll** (14) The clerk of an area municipality shall, on notice to him by the treasurer of the District Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the District Corporation.
- R.S.O. 1980, c. 423**
- Existing urban service areas** (15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines. 1974, c. 119, s. 2, *part.*

## PART IV

### DISTRICT SEWAGE WORKS

**District Corporation responsibility for collection and disposal of sewage**

**25.—**(1) On and after the 1st day of January, 1975, the District Corporation shall, except as provided in subsection (12), have the sole responsibility for the collection and disposal of all sewage in the District Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the District Corporation, except the power to establish a public utilities commission. 1974, c. 119, s. 2, *part.*

(2) The District Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges, of collection and disposal of sewage,

Method of  
financing

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge, and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*;

R.S.O. 1980,  
c. 31

- (b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

- (c) by any method or methods authorized by law or by any combination thereof. 1974, c. 119, s. 2, *part*; 1976, c. 71, s. 1.

(3) If the District Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

Preparation  
of special  
assessment  
rolls and  
collection  
of special  
assessments  
R.S.O. 1980,  
c. 250

(4) Where the District Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

District  
Corporation  
may require  
area municipi-  
pality to  
collect  
moneys  
required  
R.S.O. 1980,  
cc. 250, 302

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the District Corporation intends to recover the costs of the

Approval of  
O.M.B. to  
undertaking,  
etc.



undertaking, work, project or scheme for which approval is being sought.

Powers of  
O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area  
municipality  
to collect and  
dispose of  
sewage

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

Vesting of  
property in  
District  
Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the District Area by any area municipality are vested in the District Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

District  
Corporation  
liability

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection (8), but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that, under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 119, s. 2, *part*.

R.S.O. 1980,  
c. 250

Default

(10) If the District Corporation fails to make any payment as required by subsection (9), the area municipality may charge the District Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 68, s. 2.

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the District Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement. Agreements

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the district road system. Area municipality responsibility for storm drainage

(13) The District Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the District Area, and where the District Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof. District Corporation may undertake land drainage program

(14) The District Corporation may enter into agreements with any person or municipality with respect to the matters provided for in this Part. Agreements

(15) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines. 1974, c. 119, s. 2, *part.* Existing urban service areas

## PART V

### HIGHWAYS

**26.** In this Part,

Interpretation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;

(d) "Minister" means the Minister of Transportation and Communications;

(e) "Ministry" means the Ministry of Transportation and Communications;

(f) "road authority" means a body having jurisdiction and control of a highway. R.S.O. 1970, c. 131, s. 42; 1972, c. 1, s. 100 (2).

By-laws  
establishing  
district road  
system by  
June 30,  
1971

**27.**—(1) The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971.

By-law  
effective  
Jan. 1, 1972

(2) Notwithstanding subsection (10), the by-law passed under subsection (1), as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972.

Adding or  
removing  
roads by  
by-law

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality. R.S.O. 1970, c. 131, s. 43 (1-3).

Transfer of  
provincial  
highway to  
District  
Corporation

R.S.O. 1980,  
c. 421

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*. R.S.O. 1970, c. 131, s. 43 (4); 1971, c. 61, s. 1; 1972, c. 1, s. 1.

Vesting of  
roads in  
District  
Corporation

(5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of  
roads from  
the district  
road system

(6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads  
removed  
from district  
road system

(7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 38, such road or part is there-

upon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

(8) Notwithstanding subsection (10), where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system. R.S.O. 1970, c. 131, s. 43 (5-8).

Status of land acquired for widening district road

(9) The District Council shall, from time to time, pass a by-law consolidating all by-laws relating to the district road system. 1980, c. 29, s. 2.

Consolidating by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council. R.S.O. 1970, c. 131, s. 43 (10).

Approval of by-laws by Lieutenant Governor in Council

**28.** The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. R.S.O. 1970, c. 131, s. 44 (1).

Plan of construction and maintenance

**29.** Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. R.S.O. 1970, c. 131, s. 45.

Information to Minister

**30.** Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 90 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. R.S.O. 1970, c. 131, s. 46 (5), *revised*.

Contribution towards expenditures  
R.S.O. 1980, c. 421

**31.** The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount

Expenditures for construction, maintenance or repair

of expenditure that is properly chargeable to road improvement, and his decision is final. R.S.O. 1970, c. 131, s. 47.

Powers over  
roads in  
district  
road system

**32.** The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system. R.S.O. 1970, c. 131, s. 48.

Sidewalks  
excepted

**33.—(1)** The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1970, c. 131, s. 49 (1).

R.S.O. 1980,  
c. 302

Area municipalities  
may  
construct  
sidewalks,  
etc.

**(2)** An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council expressed by resolution. R.S.O. 1970, c. 131, s. 49 (2); 1972, c. 52, s. 3.

How cost  
provided

**(3)** The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,  
c. 250

Area municipalities  
to conform to  
requirements  
and be  
responsible  
for damages

**(4)** An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions im-

posed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. R.S.O. 1970, c. 131, s. 49 (3, 4).

(5) Subsection 107 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township. R.S.O. 1970, c. 131, s. 49 (5); 1971, c. 61, s. 1. R.S.O. 1980,  
c. 421,  
not to apply

**34.**—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system. R.S.O. 1970, c. 131, s. 50 (1); 1972, c. 1, s. 1. Installation  
of traffic  
control  
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the district road system. R.S.O. 1970, c. 131, s. 50 (2); 1972, c. 1, s. 1. Relocation  
of inter-  
secting  
roads

(3) Where, in relocating, altering or diverting a public road under subsection (2), the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. Idem

(4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. R.S.O. 1970, c. 131, s. 50 (3, 4). Construction  
of storm  
sewer, etc.,  
on area  
municipality  
road  
  
R.S.O. 1980,  
c. 250

**35.** Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system. R.S.O. 1970, c. 131, s. 51. Intersection  
of other  
roads by  
district  
roads

**36.** When land abutting on a district road is dedicated for, or apparently for, widening the district road, the Dedication  
of lands  
abutting  
regional  
roads for  
widening  
purposes

land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land. R.S.O. 1970, c. 131, s. 52.

**New roads**

**37.** The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 27 by adding such new roads to the district road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. R.S.O. 1970, c. 131, s. 53.

R.S.O. 1980,  
c. 302

**Powers and liabilities of District Corporation**

**38.** With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways. R.S.O. 1970, c. 131, s. 54.

R.S.O. 1980,  
cc. 302, 198

**Erection of gasoline pump and advertising device near district road**

**39.—(1)** The District Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within forty-five metres of any limit of a district road; and
- (b) any sign, notice or advertising device within 400 metres of any limit of a district road. R.S.O. 1970, c. 131, s. 55 (1); 1978, c. 87, s. 36 (1).

**Permits**

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. R.S.O. 1970, c. 131, s. 55 (2).

**By-laws of area municipalities regulating traffic**

**40.—(1)** No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by resolution of the District Council. R.S.O. 1970, c. 131, s. 56 (1); 1972, c. 52, s. 4; 1976, c. 55, s. 3 (1).

**District Council may approve by-law in whole or in part**

(2) A by-law submitted for approval of the District Council in compliance with subsection (1) may be approved

in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

(3) The District Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 55, s. 3 (2).

Withdrawal  
of approval

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law.

Signal-light  
devices

(5) The District Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality. R.S.O. 1970, c. 131, s. 56 (2, 3).

Contribu-  
tion toward  
cost of  
signal-lights

(6) Subject to the *Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. R.S.O. 1970, c. 131, s. 56 (4); 1978, c. 87, s. 36 (2).

Traffic  
control  
within  
thirty metres  
of district  
roads

R.S.O. 1980:  
c. 198

41. The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. R.S.O. 1970, c. 131, s. 57.

Agreement  
for  
pedestrian  
walks

42.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining

Disputes  
as to main-  
tenance,  
etc., of  
bridges and  
highways

R.S.O. 1980:  
c. 302



municipality where such bridge or highway is included in the district road system and in the road system of the municipality.

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by  
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. R.S.O. 1970, c. 131, s. 58.

Boundary  
bridges  
between area  
municipalities  
R.S.O. 1980,  
c. 302

43. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system. R.S.O. 1970, c. 131, s. 59.

Boundary  
bridges  
between  
District  
Area and  
adjoining  
municipality

44. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system. R.S.O. 1970, c. 131, s. 60.

**45.**—(1) The District Council has, with respect to all land Restrictions  
lying within a distance of forty-five metres from any limit of a  
district road, all the powers conferred on the council of a local  
municipality by section 39 of the *Planning Act*. R.S.O. 1970, R.S.O. 1980,  
c. 131, s. 61 (1); 1978, c. 87, s. 36 (3). c. 379

(2) In the event of conflict between a by-law passed Conflict  
under subsection (1) by the District Council and a by-law with local  
passed under section 39 of the *Planning Act* or a predecessor by-law  
of such section by the council of a local municipality that  
is in force in the area municipality in which the land is  
situate, the by-law passed by the District Council prevails  
to the extent of such conflict. R.S.O. 1970, c. 131, s. 61 (2).

**46.**—(1) The District Council may by by-law designate Controlled-  
any road in the district road system, or any portion thereof, access roads  
as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the Closing  
District Council may by by-law close any municipal road municipal  
that intersects or runs into a district controlled-access road. roads

(3) The Municipal Board may direct that notice of any Notice of  
application for approval of the closing of a road under this application  
section shall be given at such time, in such manner and to for approval  
such persons as the Municipal Board may determine, and for closing  
and may further direct that particulars of objections to the road  
closing shall be filed with the Municipal Board and the  
District Corporation within such time as the Municipal Board  
shall direct.

(4) Upon the hearing of the application for approval of Order of  
the closing of a road, the Municipal Board may make such O.M.B.  
order as it considers proper refusing its approval or granting  
its approval upon such terms and conditions as it considers  
proper, and any order of the Municipal Board approving of  
the closing of a road may contain provisions,

- (a) determining the portion or portions of the road  
that shall be closed;
- (b) providing for the payment of the costs of any per-  
son appearing on such application and fixing the  
amount of such costs; and
- (c) providing for the doing of such other acts as in  
the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so Closing  
obtained but subject to the provisions of the order of the road  
Municipal Board made on the application for such approval,  
the District Corporation may do all such acts as may be

necessary to close the road in respect of which the application is made.

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Divisional Court, appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court.

R.S.O. 1980,  
c. 347, s. 95  
not to apply

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to any appeal under this section. R.S.O. 1970, c. 131, s. 62.

Private roads,  
etc., opening  
upon control-  
led-access  
roads

**47.**—(1) The District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road. 1979, c. 68, s. 3.

Notice

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection (1).

Service of notice

(3) Every notice given under subsection (2) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

(4) Where the person to whom notice is given under subsection (2) fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. <sup>Failure to comply with notice</sup>

(5) Every person who fails to comply with a notice given under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. <sup>Offence</sup>

(6) Where a notice given under subsection (2) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be, <sup>Compensation</sup>

(a) before the day on which the by-law designating the road as a district controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection (1), in which case the making of compensation is subject to any provisions of such by-law. R.S.O. 1970, c. 131, s. 63 (2-6).

**48.**—(1) Where the District Corporation adds to the district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested. <sup>District liability when road added</sup>

(2) Where a road has been added to the district road system by a by-law passed under subsection 27 (3), the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 131, s. 64 (1, 2). <sup>Idem</sup>

(3) If the District Corporation fails to make any payment on or before the due date required by subsection (2), the area municipality may charge the District Corporation interest at the rate of 15 <sup>Default</sup>

per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 68, s. 4.

**Settling  
of doubts**

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 131, s. 64 (4).

**Stopping up  
highways**

**49.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

**Agreement**

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 131, s. 65.

**Approval  
required to  
intersect  
district road**

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the district road system without the prior written approval of the District Corporation. 1973, c. 146, s. 2.

**Application  
of  
R.S.O. 1980,  
c. 421**

**50.** Sections 102, 104, 106, 109 and 112 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the district road system. R.S.O. 1970, c. 131, s. 67; 1971, c. 61, s. 1.

## PART VI

### PLANNING

**Planning  
area**

R.S.O. 1980,  
c. 379

**51.**—(1) On and after the 1st day of January, 1975, the District Area shall be a planning area for the purposes of the *Planning Act*, and shall be known as the Muskoka Planning Area.

**District  
Council to  
be planning  
board**

(2) The District Council shall be the planning board of the Muskoka Planning Area. 1974, c. 119, s. 3 (1).

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are dissolved on the 31st day of December, 1970. R.S.O. 1970, c. 131, s. 68 (3).

(4) No area municipality shall exercise any powers under sections 12, 13, 14, 15 and 16 of the *Planning Act*. 1974, c. 128, s. 1.

Planning areas dissolved  
Area municipalities not to exercise powers under R.S.O. 1980, c. 379, ss. 12-16

(5) Nothing in subsection (3) affects any official plan in effect in any part of the District Area. R.S.O. 1970, c. 131, s. 68 (5); 1974, c. 119, s. 3 (3).

Proviso

(6) When the Minister of Housing has approved an official plan adopted by the District Council, every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith. R.S.O. 1970, c. 131, s. 68 (6); 1974, c. 119, s. 3 (4).

Effect of official plan

**52.**—(1) The District Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall,

Planning duties of District Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and
- (c) consult with any local board having jurisdiction within the Muskoka Planning Area. R.S.O. 1970, c. 131, s. 69 (1).

(2) The District Council, before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the District Area. R.S.O. 1970, c. 131, s. 69 (2); 1974, c. 119, s. 4 (1).

Official plan

District  
Council  
to consult  
area municip-  
alities

(3) During the course of preparation of the official plan for the District Area, the District Council shall, in respect of that part of the official plan that affects each area municipality, consult with the council of that area municipality, and the completed draft plan shall be referred for comment to the council of each area municipality prior to adoption by the District Council. 1974, c. 119, s. 4 (2).

Planning  
staff

(4) The District Council shall appoint such planning staff as may be considered necessary.

Advisory  
committee

(5) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary. R.S.O. 1970, c. 131, s. 69 (3, 4).

District  
Corporation  
(deemed  
municipality  
under  
R.S.O. 1980,  
c. 379

(6) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act* and, where the District Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 34, s. 7.

Idem

(7) The District Council shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements  
re plans of  
subdivision

(8) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements  
re special  
studies

(9) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the Muskoka Planning Area or any part thereof. R.S.O. 1970, c. 131, s. 69 (6-8).

Committees  
of adjust-  
ment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are dissolved on the 31st day of December, 1970, and the council of each area municipality shall by by-law constitute and appoint a committee of adjustment under section 48 of the *Planning Act*. R.S.O. 1970, c. 131, s. 69 (10).

Application  
of  
R.S.O. 1980,  
c. 379

**53.** Except as provided in this Part, the provisions of the *Planning Act* apply. R.S.O. 1970, c. 131, s. 70.

## PART VII

## HEALTH AND WELFARE SERVICES

**54.**—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents  
R.S.O. 1980, c. 410, 389

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

Existing liabilities transferred

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Proviso

**55.** The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor.

Aid to hospitals

**56.** On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, known as the Muskoka-Parry Sound Health Unit.

District Area part of Muskoka-Parry Sound Health Unit

**57.** The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council.

Representation on board of health

**58.**—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

District Corporation deemed city under R.S.O. 1980, cc. 21, 263, 463, 527

1. *Anatomy Act*.

2. *Mental Hospitals Act*.



3. *Sanatoria for Consumptives Act.*4. *War Veterans Burial Act.*

District  
Corporation  
deemed  
county under  
R.S.O. 1980,  
cc. 111, 188,  
200

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *Day Nurseries Act.*2. *General Welfare Assistance Act.*3. *Homemakers and Nurses Services Act.* R.S.O. 1970, c. 131, s. 75.

Liability  
respecting  
homes for  
the aged  
R.S.O. 1980,  
c. 203

**59.** The District Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. R.S.O. 1970, c. 131, s. 76 (1).

Dissolution  
of Board of  
Management,  
district  
home vested  
in District  
Corporation

**60.—**(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of  
Nipissing  
Home for  
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of  
maintenance  
payment

(3) The amount payable by the District Corporation under subsection (2) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. R.S.O. 1970, c. 131, s. 77.

Area  
municipality  
not deemed  
municipality  
under  
R.S.O. 1980,  
c. 66

**61.** No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. R.S.O. 1970, c. 131, s. 78, *revised*.

Liability  
under order  
made under  
R.S.C. 1970,  
c. J-3

**62.** Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under

such order shall be paid by the District Corporation and not by the area municipality. R.S.O. 1970, c. 131, s. 80.

**63.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. R.S.O. 1970, c. 131, s. 81. Information

**64.** In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. R.S.O. 1970, c. 131, s. 82. Adjustments

**65.** The District Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. R.S.O. 1970, c. 131, s. 83. Grants to approved corporations under R.S.O. 1980, c. 201

## PART VIII

### POLICE

**66.—(1)** On and after the 1st day of January, 1971, the *Police Act*, except section 70 and sections 202 and 203 of the *Municipal Act* do not apply to any area municipality. Application of R.S.O. 1980, cc. 381, 302

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 70 of the *Police Act*. District Corporation deemed municipality for R.S.O. 1980, c. 381, s. 70

(3) On and after the 9th day of May, 1970, the *Police Act*, except section 70, and sections 202 and 203 of the *Municipal Act* do not apply to the Town of Gravenhurst. R.S.O. 1970, c. 131, s. 84. Application to Town of Gravenhurst

**67.** All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area. R.S.O. 1970, c. 131, s. 85. O.P.P. to undertake police functions in District Area

**68.** All police functions, other than the enforcement of municipal by-laws, shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst. R.S.O. 1970, c. 131, s. 86. O.P.P. to undertake police functions in 1970 in Town of Gravenhurst

Liaison  
Committee

**69.** The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at least once every three months with the representatives of the Ontario Provincial Police to discuss police matters within the District Area. 1976, c. 55, s. 4.

Application  
of s. 23

**70.** The provisions of subsections 23 (8) to (11) apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville. R.S.O. 1970, c. 131, s. 88.

## PART IX

### FINANCES

Interpre-  
tation

**71.**—(1) In this Part,

(a) “merged area” means any area so designated by the Minister for the purposes of this Part;

R.S.O. 1980,  
c. 31

(b) “rateable property” includes business and other assessment made under the *Assessment Act*. R.S.O. 1970, c. 131, s. 89.

Idem

(2) In sections 74, 76 and 77, “Ministry” means the Ministry of Revenue. 1972, c. 52, s. 6; 1972, c. 1, s. 1.

Investment  
of money not  
immediately  
required  
R.S.O. 1980,  
c. 302

**72.**—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the District Corporation. R.S.O. 1970, c. 131, s. 90.

Deemed  
municipality  
for purposes  
of  
R.S.O. 1980,  
c. 102, s. 35

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 68, s. 5.

### YEARLY ESTIMATES AND LEVIES

Yearly  
estimates

**73.**—(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation, including the sums required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. R.S.O. 1970, c. 131, s. 91 (1); 1972, c. 1, s. 1.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. R.S.O. 1970, c. 131, s. 91 (2); 1972, c. 1, s. 1.

Allowance to  
be made in  
estimates

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the District Corporation. 1972, c. 52, s. 7.

Application  
of  
R.S.O. 1980,  
cc. 31, 302

**74.—**(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

Levy on  
area muni-  
cipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

Apportion-  
ment

(3) Subject to subsection (9), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls. R.S.O. 1970, c. 131, s. 92 (1-3).

Idem

(4) The Ministry shall revise and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised and weighted by the Ministry shall be deemed to be the last revised assessment rolls of the area municipalities. R.S.O. 1970, c. 131, s. 92 (4); 1972, c. 1, s. 1; 1974, c. 119, s. 6 (1).

Weighted  
assessment

(5) Upon completion by the Ministry of the revision and weighting of assessment, the Ministry shall notify the District Corporation and each of the area municipalities of the revised and weighted assessment of each area municipality. R.S.O. 1970, c. 131, s. 92 (6); 1972, c. 1, s. 1; 1974, c. 119, s. 6 (3).

Copy to  
District  
Corporation  
and area  
municipality

## Appeal

(6) If any area municipality is not satisfied with the assessment as revised and weighted by the Ministry, the area municipality may appeal from the decision of the Ministry by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and weighted assessment was sent to the area municipality by the Ministry. R.S.O. 1970, c. 131, s. 92 (7); 1972, c. 1, s. 1; 1974, c. 119, s. 6 (4).

## Idem

(7) Every notice of revision and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and weighting. R.S.O. 1970, c. 131, s. 92 (8); 1974, c. 119, s. 6 (5).

Amendment  
of by-law  
where  
necessary  
following  
appeal

(8) Where the last revised assessment of the area municipality has been revised and weighted by the Ministry and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality. R.S.O. 1970, c. 131, s. 92 (9); 1972, c. 1, s. 1; 1974, c. 119, s. 6 (6).

Fixed assess-  
ments, etc.,  
not to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. R.S.O. 1970, c. 131, s. 92 (10).

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of district levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or any other agency thereof or Ontario Hydro to any area municipality, and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act*, section 4 of the *Provincial Parks Municipal Tax Assistance Act* and section 8 of the *Ontario Unconditional Grants Act*.

Assessment to include valuations on properties for which payments in lieu of taxes paid, etc.

R.S.O. 1980, cc. 302, 402, 359

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection (10) and the said Ministry shall revise and weight the valuations of these payments and shall notify the District Corporation and the appropriate area municipality of such valuations. 1974, c. 119, s. 6 (7).

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the District Council may consider expedient.

Levy by-laws

(13) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

District levy  
R.S.O. 1980, c. 31

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection (2). R.S.O. 1970, c. 131, s. 92 (13-15).

Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the District Council determines, from the date payment is due until it is made. 1979, c. 68, s. 6.

Default

**75.—**(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such

Assessment of merged areas

part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

**Notice**

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

**Apportionment among merged areas**  
R.S.O. 1980,  
cc. 302, 31

(3) The net district levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality, both according to the last revised assessment roll as weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1974, c. 119, s. 7, *part, revised*.

**Levy by District Council before estimates adopted**

**76.**—(1) Notwithstanding section 74, the District Council may in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 74 (13) and (14) apply to such levy.

**Levy under s. 74 to be reduced**

(2) The amount of any levy made under subsection (1) shall be deducted from the levy made under section 74.

**Levy by area municipality before estimates adopted**

(3) Notwithstanding section 75, the council of an area municipality may in any year before adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

**Levy under s. 75 to be reduced**

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 75.

**Application of R.S.O. 1980, c. 302, s. ...**

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1974, c. 119, s. 7, *part*.

**Rates under R.S.O. 1980, c. 129**

**77.**—(1) For the purpose of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the

area municipality shall be deemed to be the council of each such merged area. R.S.O. 1970, c. 131, s. 96 (1).

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality. R.S.O. 1970, c. 131, s. 96 (2); 1974, c. 119, s. 8 (1).

Rates for public school purposes on commercial assessment  
R.S.O. 1980, c. 129

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality. R.S.O. 1970, c. 131, s. 96 (3); 1974, c. 119, s. 8 (2).

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality. R.S.O. 1970, c. 131, s. 96 (4); 1974, c. 119, s. 8 (3).

Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality. R.S.O. 1970, c. 131, s. 96 (5); 1974, c. 119, s. 8 (4).

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where in any year a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. R.S.O. 1970, c. 131, s. 96 (6).

Regulations under R.S.O. 1980, c. 129 to apply

78. The Minister may provide from time to time by order that, in the year or years and in the manner specified

Transitional adjustments



in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. R.S.O. 1970, c. 131, s. 97.

#### URBAN SERVICES

##### Interpre- tation

**79.**—(1) In this section,

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchases of them;

(b) “urban service” means,

(i) land drainage,

(ii) the collection and removal of ashes or garbage or other refuse, or

(iii) street lighting. R.S.O. 1970, c. 131, s. 101 (1); 1976, c. 55, s. 5.

##### Areas of urban service

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality.

##### Levy in areas

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under the *Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by the *Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban

service shall be levied on any part of the area municipality lying outside the designated area. R.S.O. 1970, c. 131, s. 101 (2, 3).

#### RESERVE FUNDS

**80.**—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality. R.S.O. 1970, c. 131, s. 102. Idem

**81.**—(1) The District Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 71, s. 3, *part*. Reserve funds, establishment, etc.

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. R.S.O. 1970, c. 131, s. 103 (2). Investments and income  
R.S.O. 1980, c. 512

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the District Council. 1976, c. 71, s. 3, *part*. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). R.S.O. 1970, c. 131, s. 103 (4). Auditor to report on reserve funds

**82.**—(1) The District Council shall establish and maintain a planning fund. Planning fund

**Purpose  
of fund**

(2) The moneys in the fund established under subsection (1) may be used only to defray the costs of the District Council in exercising its powers under Part VI.

**Pollution  
control fund**

(3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 74 (3). R.S.O. 1970, c. 131, s. 104 (1-3).

**Purpose  
of  
fund**

(4) The moneys in the fund established under subsection (3) may be used only to defray the costs of the District Council in exercising its powers under Part IV and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.

**Payment out  
of fund for  
waste dis-  
posal site**

(5) Notwithstanding subsection (4), the District Council may pay out of the fund established under subsection (3) such sum as it considers desirable to an area municipality to defray in whole or in part the expenses of such area municipality in acquiring, establishing and maintaining a site for the purpose of receiving, dumping and disposal of ashes, garbage, refuse and domestic or industrial waste.

**Cost of  
District  
Council under  
Part IV**

(6) None of the costs of the District Council in exercising its powers under Part IV shall form part of the levy under section 74 except as provided in subsection (4). 1976, c. 55, s. 6.

**Investments  
and income**

R.S.O. 1980,  
c. 512

(7) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys for each fund form part of that fund. R.S.O. 1970, c. 131, s. 104 (6).

**Expenditure  
of fund  
moneys**

(8) The moneys raised for each fund established under this section shall not, without the approval of the Ministry, be expended, pledged or applied to any purpose other than that for which the fund was established. R.S.O. 1970, c. 131, s. 104 (7); 1972, c. 1, s. 1.

**Auditor to  
report on  
funds**

(9) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Ministry. R.S.O. 1970, c. 131, s. 104 (8); 1972, c. 1, s. 1.

## TEMPORARY LOANS

**83.**—(1) The District Council may by by-law, either <sup>Current borrowings</sup> before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may consider necessary to meet, until the levies and other revenues are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation. R.S.O. 1970, c. 131, s. 106 (1); 1972, c. 52, s. 8.

(2) The amount that may be borrowed at any one time for <sup>Limit upon borrowings</sup> the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon <sup>Temporary application of estimates of preceding year</sup> borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity of <sup>Protection of lender</sup> borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of this <sup>Execution of promissory notes</sup> section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. R.S.O. 1970, c. 131, s. 106 (2-5).

(6) The signature of the chairman or any other person <sup>Idem</sup> authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 35, s. 2.

**Creation  
of charge**

(7) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

**Execution of  
agreements**

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

**Penalties  
for excess  
borrowings**

(9) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

**Penalty for  
misapplica-  
tion of  
revenues by  
District  
Council**

(10) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

**Penalty for  
misapplica-  
tion of  
revenues by  
officials**

(11) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. R.S.O. 1970, c. 131, s. 106 (6-10).

**Saving as  
to penalties**

R.S.O. 1980,  
c. 303

(12) Subsections (9), (10) and (11) do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists. R.S.O. 1970, c. 131, s. 106 (11); 1972, c. 1, s. 104 (6).

**DEBT****Debt**

R.S.O. 1980,  
c. 347

**84.**—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

- (a) the District Corporation;
- (b) any area municipality; and
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefore on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1970,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of *The Ontario Municipal Board Act*, being chapter 274 of the Revised Statutes of Ontario, 1960; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 86, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc., trustee  
investments

R.S.O. 1980,  
c. 512

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. R.S.O. 1970, c. 131, s. 107.

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1980,  
c. 347

**85.**—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 84 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection (2) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. R.S.O. 1970, c. 131, s. 108.

Borrowing  
pending  
issue and  
sale of  
debentures

**86.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. 1977, c. 35, s. 3 (1).

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan

on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 35, s. 3 (2).

(3) The District Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan. Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 100, shall be transferred to the area municipality. Application of proceeds of loan

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. R.S.O. 1970, c. 131, s. 110 (3-5). Hypothecation not to prevent subsequent sale of debentures

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 35, s. 3 (3). Signature of chairman, etc., may be mechanically reproduced

**87.**—(1) Where the District Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the District Corporation is entitled to receive moneys from the Crown, the District Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time. Temporary borrowing R.S.O. 1980, c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the District Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the District Corporation has received the moneys to which it is entitled from the Crown under the said Application of proceeds



agreement such moneys shall be applied first in repayment of the advances. 1976, c. 55, s. 8.

Principal  
and interest  
payments

**88.**—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund  
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When  
debentures to  
be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy  
against area  
municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by  
area muni-  
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4). R.S.O. 1970, c. 131, s. 111 (1-6).

Instalment  
debentures  
and  
debentures  
to refund  
existing  
debentures  
at maturity

(7) Notwithstanding subsection (5), the District Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date

upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law, and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed <sup>Levy</sup> by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied. 1972, c. 52, s. 10 (1).

(9) All levies imposed by the by-law against an area <sup>Levies</sup> <sub>a debt</sub> municipality are a debt of the area municipality to the District Corporation.

(10) The District Council may by by-law authorize a <sup>By-law to</sup> <sub>change mode</sub> change in the mode of issue of the debentures and may <sup>of issuing</sup> <sub>debentures</sub> provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or

more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. R.S.O. 1970, c. 131, s. 111 (7, 8).

Debentures,  
when to be  
dated and  
issued

(11) All the debentures shall be issued within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. R.S.O. 1970, c. 131, s. 111 (9); 1976, c. 55, s. 9 (1).

Date of  
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension  
of time for  
issue

(14) The Municipal Board, on the application of the District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application  
after time  
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective  
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolidation

(17) Notwithstanding any general or special Act, the District Council may borrow sums for two or more purposes

in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the District Corporation.

Consolidat-  
ing  
debenture  
by-laws  
R.S.O. 1980,  
c. 302

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions:

Redemption  
before  
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the

validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

**Currency** (20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

**Annual rates** (21) Where, under the provisions of the by-law, debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. R.S.O. 1970, c. 131, s. 111 (10-19).

**Principal levies** (22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. R.S.O. 1970, c. 131, s. 111 (20); 1972, c. 52, s. 10 (2).

**Consolidated bank accounts** (23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or pay-

ment of, sinking fund investments. R.S.O. 1970, c. 131, s. 111 (21).

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the District Council, and the two appointed members may be paid, out of the current fund of the District Corporation, such annual remuneration as the District Council determines. 1972, c. 52, s. 10 (3), *part*. Sinking fund committee

(25) The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the District Corporation, such remuneration as the District Council determines. 1976, c. 71, s. 4. Alternate members

(26) The treasurer of the District Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. Security

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank Investments

accounts and may at any time or times vary any investments. R.S.O. 1970, c. 131, s. 111 (24-29).

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1980,  
c. 512

(a) in securities in which a trustee may invest under the *Trustee Act*;

(b) in debentures of the District Corporation;

(c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;

(d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. R.S.O. 1970, c. 131, s. 111 (30); 1976, c. 55, s. 9 (2).

Deposit of  
securities  
with  
Treasurer  
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of  
securities by  
Treasurer  
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Sinking fund  
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited to  
sinking fund  
account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that

year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause (a).

(37) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the District Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250. Offence

(39) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. Where amount in sinking fund account more than sufficient to pay debt

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or funds No diversion of sinking funds



other expenditure of the District Corporation or otherwise than is provided in this section. R.S.O. 1970, c. 131, s. 111 (31-39).

**Surplus**

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
  - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose. R.S.O. 1970, c. 131, s. 111 (40); 1972, c. 52, s. 10 (4).

**Deficit and surplus**

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42). R.S.O. 1970, c. 131, s. 111 (41).

**Term debentures**

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

**Amounts to be raised annually**

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund.

Retirement  
fund  
administra-  
tion

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the District Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 55, s. 9 (3).

All  
debentures  
to rank  
equally

89. Notwithstanding any other provision of this Act,

- (a) a money by-law of the District Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the District Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the District Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the District Corporation for the payment of the principal amount thereof;

Debentures  
payable on  
a fixed date  
subject to  
annual  
redemption  
by lot of a  
specified  
principal  
amount

Interest  
ceases to  
accrue on  
date set for  
redemption

debentures  
to be  
redeemed  
may be  
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the District Corporation at a public meeting of the District Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the District Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to  
redeem to be  
sent by mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to  
redeem to be  
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only  
portion of  
debentures  
payable on  
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the District Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual  
amounts  
payable  
to be  
approx-  
imately  
equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 55, s. 10.

Application  
of  
R.S.O. 1980,  
c. 302

**90.**—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the District Council. 1976, c. 71, s. 5.

Hypotheca-  
tion not a  
sale under  
this section

- (2) For the purposes of this section, the hypothecation of debentures under section 86 shall not constitute a sale or other disposal thereof.

Consolida-  
tion of  
debentures

- (3) The District Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide

for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council. R.S.O. 1970, c. 131, s. 112 (2-4). Special assessment and levies

**91.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1970, c. 131, s. 113. When to take effect

**92.**—(1) Subject to section 91, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. R.S.O. 1970, c. 131, s. 114. Application of payments

**93.** Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be Offence for neglect of officer to carry out by-law

raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 131, s. 115.

Money  
by-laws  
may be  
registered

**94.—**(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation in the Land Registry Office for the Registry Division of Muskoka (No. 35).

Application  
to quash  
registered  
by-law,  
when to be  
made  
R.S.O. 1980,  
cc 126, 250

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Time when  
by-law to be  
valid and  
binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing  
part of  
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of  
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 85 (2) or a by-law where it appears on the

face of it that any of the provisions of subsection 88 (5) have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1970, c. 131, s. 116. Failure to register

95.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority Sufficiency of signatures

to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. R.S.O. 1970, c. 131, s. 117.

Debentures  
on which  
payment has  
been made  
for one year  
to be valid

96. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation. R.S.O. 1970, c. 131, s. 118.

Mode of  
transfer may  
be prescribed

97.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of .....

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-  
ments as to  
endorsing  
certificate of  
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. R.S.O. 1970, c. 131, s. 119.

Transfer by  
entry in  
Debenture  
Registry  
Book

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registra-  
tion of  
debenture  
as to  
principal  
and  
interest

(5) Where debentures are payable in a currency other than that of Canada, the District Council may provide that the Debenture Registry Book of the District Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the District Council considers appropriate. 1976, c. 55, s. 11.

Where  
Debenture  
Registry  
Book may be  
maintained  
outside  
Canada

**98.** Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. R.S.O. 1970, c. 131, s. 120.

Replacement  
of lost  
debentures

**99.**—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of  
debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request  
of sinking  
fund  
committee

(3) Any new debentures mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New  
debentures  
of same force  
and effect as  
debentures  
surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for

Debentures  
surrendered  
for exchange  
to be  
cancelled



exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. R.S.O. 1970, c. 131, s. 121.

Application  
of proceeds of  
debentures

**100.**—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date;
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of rate-payers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first

year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. R.S.O. 1970, c. 131, s. 122.

**101.** Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 100 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. R.S.O. 1970, c. 131, s. 123.

Use of  
proceeds of  
sale of  
assets  
acquired  
from  
proceeds of  
sale of  
debentures

**102.** When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1970, c. 131, s. 124.

Tenders for  
debentures

**103.—(1)** The District Council shall,

Accounts,  
how to be  
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

**Consolidated  
interest  
account**

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. R.S.O. 1970, c. 131, s. 125.

**Application  
of surplus  
money**

**104.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. R.S.O. 1970, c. 131, s. 126.

**Liability of  
members**

**105.**—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

**Action by  
ratepayer**

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

**Disqualifi-  
cation**

(3) The members who vote for such application are disqualified from holding any municipal office for two years. R.S.O. 1970, c. 131, s. 127.

**Refinancing  
of debentures**

**106.** When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable

and issue new debentures of the District Corporation to raise the moneys required for such redemption;

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase. R.S.O. 1970, c. 131, s. 128.

**107.** After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. R.S.O. 1970, c. 131, s. 129. Disposal of assets

## PART X

### GENERAL

**108.**—(1) Section 5, Parts XIII, XIV, XV and XIX, sections 105, 106, 113, 116 and 121, subsection 165 (3), section 190, paragraphs 3, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality. 1979, c. 68, s. 7. Application of R.S.O. 1980, c. 302

(2) Sections 10 and 11, and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 134 of section 210 of the *Municipal Act*. R.S.O. 1970, c. 131, s. 130 (2, 3). Nuisances

(4) The District Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1980, c. 29, s. 4. Purchasing or renting machinery

(5) Notwithstanding any other provision of this Act, the District Council may pass by-laws authorizing the Delegation of approval and consents

head of the department concerned to grant such of the approvals and consents required by subsection 33 (2) as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. R.S.O. 1970, c. 131, s. 130 (4); *revised*.

Application  
of  
R.S.O. 1980,  
c. 297

(6) The District Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 35, s. 4 (2).

By-laws to  
remain in  
force

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality. R.S.O. 1970, c. 131, s. 130 (6).

Emergency  
measures  
and civil  
defence

**109.**—(1) The District Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area.

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclause 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

R.S.O. 1980,  
c. 302

Powers of  
District  
Council

(2) When a by-law passed under clause (1) (a) is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof,

to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);

R.S.C. 1970,  
c. W-2

- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. R.S.O. 1970, c. 131, s. 131.

**110.** The District Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre. 1976, c. 55, s. 13.

Expenditures  
for diffusing  
information

**111.** Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of the *Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants, upon such terms and conditions as the District Corporation may impose. R.S.O. 1970, c. 131, s. 134.

Payment of  
damages to  
employees  
R.S.O. 1980,  
c. 539

**112.**—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has the powers of a commission under Part II of the *Public Inquiries Act*, which part applies to the inquiry as if it were an inquiry under that Act, and he shall with all convenient speed

Investigation  
by judge of  
charges of  
malfeasance

R.S.O. 1980,  
c. 411

report to the District Council the result of the inquiry and the evidence taken. R.S.O. 1970, c. 131, s. 135 (1); 1971, c. 49, s. 18.

Fees  
payable  
to judge

R.S.O. 1980,  
c. 223

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Engaging  
counsel

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof. R.S.O. 1970, c. 131, s. 135 (2-4).

Commission  
of inquiry

R.S.O. 1980,  
c. 411

**113.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 131, s. 136 (1); 1971, c. 49, s. 18.

When  
commission  
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. R.S.O. 1970, c. 131, s. 136 (2); 1972, c. 1, s. 1.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct. R.S.O. 1970, c. 131, s. 136 (3).

Entry on  
highways

**114.** The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes,

sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. R.S.O. 1970, c. 131, s. 137.

**115.** The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment. R.S.O. 1970, c. 131, s. 138. Agreements re services

**116.—(1)** For the purposes of paragraph 9 of section 3 and section 35 of the *Assessment Act*, the District Corporation shall be deemed to be a municipality. Application of R.S.O. 1980, c. 31

**(2)** For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not. District Corporation and area municipalities not deemed tenants

**(3)** In subsection (2), “District Corporation” and “area municipality” include a local board thereof. R.S.O. 1970, c. 131, s. 139. Interpretation

**117.—(1)** An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Executions against District Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount men-



tioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of  
clerk, etc.

- (2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the

court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. R.S.O. 1970, c. 131, s. 140.

**118.** In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. R.S.O. 1970, c. 131, s. 141.

Settling of doubts

R.S.O. 1980, c. 347

**119.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. R.S.O. 1970, c. 131, s. 142.

Conditional powers

**120.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. R.S.O. 1970, c. 131, s. 143.

Conflict with other Acts

**121.—**(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. R.S.O. 1970, c. 131, s. 144.

Application of R.S.O. 1980, c. 302

**122.** The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area, and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. R.S.O. 1970, c. 131, s. 145.

District Fire Co-ordinator

**123.** The Minister may by order, on the request of any area municipality, dissolve any board of a community recreation centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such

Recreation and parks management boards

R.S.O. 1980,  
cc. 276, 80

board to the area municipality and may deem the council of the area municipality to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. R.S.O. 1970, c. 131, s. 146; 1972, c. 1, s. 61 (7).

Deemed  
municipality  
under  
R.S.O. 1980,  
c. 302

**124.**—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph \*10 of section 208 of the *Municipal Act*.

Deemed  
regional  
municipality  
R.S.O. 1980,  
cc. 500, 85

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of the *Tile Drainage Act* and the *Conservation Authorities Act*. R.S.O. 1970, c. 131, s. 147.

Interpre-  
tation

**125.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Agreement

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. R.S.O. 1970, c. 131, s. 149 (1, 2).

Waste  
disposal  
sites

(3) For the purposes of an agreement under subsection (2), the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the District Council considers appropriate in the circumstances. R.S.O. 1970, c. 131, s. 149 (3); 1974, c. 119, s. 13.

Application  
of land use  
control  
by-law

(4) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the District Corporation.

Acquisition  
of land for  
waste  
disposal

(5) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. R.S.O. 1970, c. 131, s. 149 (4, 5).

**126.**—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

Existing  
speed limits  
continued  
R.S.O. 1980,  
c. 198

(2) Notwithstanding subsection (1), the District Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of  
District  
Council and  
area councils

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act*, being chapter 172 of the Revised Statutes of Ontario, 1960, that applied, on the 31st day of December, 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under section 109 of the *Highway Traffic Act* applies thereto. R.S.O. 1970, c. 131, s. 150.

Existing  
by-laws  
under s. 59  
of R.S.O.  
1960, c. 172,  
continued

**127.** The lands in the Township of Muskoka more particularly described as follows:

Gravel pit  
vested in  
Town of  
Gravenhurst

COMMENCING at the southeast angle of Lot 4, Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation, and the clerk of the Town of Gravenhurst shall forthwith after the 26th day of

June, 1970, file a copy of this section in the appropriate land registry office. R.S.O. 1970, c. 131, s. 151.

Application  
of  
R.S.O. 1980,  
c. 384

**128.**—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 107 of the *Power Corporation Act*. R.S.O. 1970, c. 131, s. 152 (1).

Powers of  
utilities  
commissions  
transferred  
to area  
municipality  
or District  
Corporation

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued until such date as the Minister may by order designate as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. R.S.O. 1970, c. 131, s. 152 (2); 1971, c. 76, s. 3 (1).

Distribution  
of electrical  
power

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue, until such date as the Minister may by order designate, to distribute and sell power within such area. R.S.O. 1970, c. 131, s. 152 (3); 1971, c. 76, s. 3 (2).

Members of  
commissions  
continued  
in office

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection (2), including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until such date as the Minister may by order designate, and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. R.S.O. 1970, c. 131, s. 152 (4); 1971, c. 76, s. 3 (3).

Commissions  
dissolved

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection (2) are dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. R.S.O. 1970, c. 131, s. 152 (5).

Roads  
boards, etc.,  
dissolved

**129.**—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved

on the 1st day of January, 1971, and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality. R.S.O. 1970, c. 131, s. 154 (1, 2). <sup>Taxes and penalties</sup>

## FORM 1

*(Section 8 (4) )*

## OATH OF ALLEGIANCE

I, ....., having been elected *(or appointed)* as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II *(or the reigning sovereign for the time being)*.

Sworn before me, etc.

R.S.O. 1970, c. 131, Form 1.

## FORM 2

*(Section 8 (4) )*

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected *(or appointed)* as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

R.S.O. 1970, c. 131, Form 2; 1973, c. 146, s. 6.